

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVELYN HOUSER, ANTHONY
GONZALEZ, IGNACIO RIESCO,
PRECIOUS DANIELS, FELICIA
RICKETT-SAMUELS, CHYNELL SCOTT,
VIVIAN KARGBO, and SCOTTY
DESPHY on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

PENNY PRITZKER, Secretary, United
States Department of Commerce,

Defendant.

10-cv-3105 (FM)

**DECLARATION OF OSSAI MIAZAD IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

I, Ossai Miazad, declare under penalty of perjury as follows:

1. I am a Partner at Outten & Golden LLP, attorneys for Plaintiffs and the putative class herein. I am an attorney in good standing admitted to practice in the State of New York and before this Court.

2. Courts have repeatedly recognized Outten & Golden LLP as qualified Class Counsel. *See Glatt v Fox Searchlight Pictures Inc.*, No. 11 Civ. 6784, 2013 WL 2495140 (S.D.N.Y. June 11, 2013) (O&G is experienced in prosecuting employment class actions); *Duling v. Gristede's Operating Corp.*, No. 06 Civ. 10197, 2012 WL 5835302 at *2 (S.D.N.Y. Nov. 15, 2012); *Easterling v. Connecticut, Dep't of Correction*, 265 F.R.D. 45, 51 n.2 (D. Conn. 2010) (appointing O&G as class counsel in a Title VII disparate impact case); *Wright v Stern*, 450 F Supp. 2d 335 (S.D.N.Y. 2006); *Sumitomo Shoji Am., Inc. v. Avagliano*, 457 U.S. 176 (1982), *confirmed by Avagliano v. Sumitomo Shoji Am., Inc.*, 103 F.R.D. 562, 583 (S.D.N.Y. 1984) (appointing L. Steel as class counsel). Similarly, Outten & Golden's Co-counsel bring a breathe and depth of class action litigation knowledge and experience. The Center for

Constitutional Rights (“CCR”) is a non-profit legal organization that protects the rights of its clients guaranteed by the United States Constitution and the Universal Declaration of Human Rights. CCR is qualified as class counsel. *See Daniels v. City of New York*, 198 F.R.D. 409, 418 (S.D.N.Y. 2001) (“The Center for Constitutional Rights has substantial experience in litigating civil rights class actions in the federal courts”); *Doe v. Karadzic*, 176 F.R.D. 458, 462 (S.D.N.Y. 1997) (CCR attorneys are well-qualified to serve as class counsel, “hav[ing] participated in complex human rights litigation, including class actions”). Community Legal Services of Philadelphia (“CLS”) provides free civil legal services to low-income residents of Philadelphia and advocates at the national and state levels on workers’ rights issues, such as preventing overbroad disqualifications of workers with criminal records. CLS is likewise qualified to be class counsel. *See Ryals v. HireRight Solutions, Inc.*, No. 3:09-cv-625 (E.D. Va. Dec. 22, 2011); *In re Fleet*, 76 B.R. 1001, 1010 (E.D. Pa. 1987) (CLS “is an agency whose attorneys are uniquely experienced and qualified in handling comparable litigation” for plaintiff class). The Community Service Society of New York (“CSS”) promotes better job opportunities and greater economic security for low-income residents of New York through research, advocacy, and litigation and is likewise qualified. The Indian Law Resource Center of Helena, Montana (“ILRC”) is a non-profit legal organization that defends the rights of the indigenous peoples of the Americas and should be appointed as class counsel. The LatinoJustice PRLDEF of New York (“PRLDEF”) specializes in impact litigation aimed at improving political, economic, social, and educational opportunities for Latinos in the United States. PRLDEF is qualified as class counsel. *See Ligon v. City of New York*, 288 F.R.D. 72, (S.D.N.Y. 2013) (granting class certification in stop and frisk class action co-counseled by PRLDEF). The Lawyers’ Committee for Civil Rights, of Washington, D.C. (“LCCR”) is committed to enforcing civil rights

legislation and obtaining equal opportunity for minorities through its litigation efforts and is qualified as class counsel. *See E.E.O.C. v. Local 638*, No. 71 Civ. 2877, 2004 WL 2414013 (S.D.N.Y. Oct. 28, 2004) (finding LCCR sufficiently experienced and qualified to represent plaintiffs in race discrimination class action); *Thomas v. Christopher*, 169 F.R.D. 224, 238 (D.D.C. 1996) (LCCR “has extensive experience including the litigation of more than twenty class actions”); *Edmonds v. United States*, 658 F. Supp. 1126, 1137 (D.S.C. 1987) (as lead class counsel, Ray P. McClain’s “grasp” of aspects of the litigation “greatly facilitated the resolution of several thousand claims of class members”). The Public Citizen Litigation Group, of Washington, D.C. (“PCLG”) functions as a public interest law firm that litigates cases in order to preserve the rights of citizens, including workers’ rights. PCLG is qualified as class counsel. *See del Campo v. Am. Corrective Counseling Servs., Inc.*, 254 F.R.D. 585, 594 (N.D. Cal. 2008) (finding that PCLG would adequately represent plaintiff class); *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 312 (3d Cir. 1998) (affirming district court’s finding that “plaintiffs’ counsel were highly competent and experienced class action attorneys, and had pursued the interests of the class vigorously.”).

3. Counsel estimates that there are hundreds of thousands of members of the proposed class.
4. Dr. Bendick intends to conduct additional analysis, based on a random sample of the FBI rap sheets for 1,500 applicants who received the 30-day letter, the production of which Defendant only recently completed. Plaintiffs intend to seek the Court’s permission for supplemental expert submissions.

Exhibits

5. Attached hereto as Exhibit 1 are true and correct copies of the relevant excerpts from the transcript of the October 18, 2012 deposition of Precious Daniels (“Daniels Tr.”).

6. Attached hereto as Exhibit 2 is a true and correct copy of the Census employment application of Precious Daniels, Exhibit B to the deposition of Precious Daniels.

7. Attached hereto as Exhibit 3 is a true and correct copy of Precious Daniels’s 30-day letter, Exhibit C to the deposition of Precious Daniels.

8. Attached hereto as Exhibit 4 is a true and correct copy of Precious Daniels’s fingerprint card, Exhibit D to the deposition of Precious Daniels.

9. Attached hereto as Exhibit 5 is a true and correct copy of Precious Daniels’s rejection letter, document bates stamped P000224.

10. Attached hereto as Exhibit 6 is a true and correct copy of Precious Daniels’s FBI rapsheet, Exhibit G to the deposition of Precious Daniels.

11. Attached hereto as Exhibit 7 are true and correct copies of the relevant excerpts from the transcript of the April 5, 2013 deposition of Scotty Desphy (“Desphy Tr.”).

12. Attached hereto as Exhibit 8 is a true and correct copy of the criminal record of Scotty Desphy, Exhibit K to the deposition of Scotty Desphy, documents bates stamped P000383 and USA44303-4, which has been filed under seal.

13. Attached hereto as Exhibit 9 is a true and correct copy of Scotty Desphy’s FBI rapsheet, Exhibit E to the deposition of Scotty Desphy, documents bates stamped USA44303-04, which has been filed under seal.

14. Attached hereto as Exhibit 10 is a true and correct copy of a letter from Scotty Desphy to Census dated January 6, 2010, Exhibit B to the deposition of Scotty Desphy, document bates stamped USA45151.

15. Attached hereto as Exhibit 11 is a true and correct copy of a letter from Census to Scotty Desphy requesting more information, dated February 16, 2010, Exhibit C to the deposition of Scotty Desphy, document bates stamped USA44305, which has been filed under seal.

16. Attached hereto as Exhibit 12 are the true and correct copies of Scotty Desphy's recommendation letters and fingerprint card, Exhibit D to the deposition of Scotty Desphy, documents bates stamped USA43466-71.

17. Attached hereto as Exhibit 13 is a true and correct copy of a letter rejecting Scotty Desphy's application, dated March 4, 2010, Exhibit F to the deposition of Scotty Desphy, document bates stamped P000498.

18. Attached hereto as Exhibit 14 are true and correct copies of the relevant excerpts from the transcript of the December 17, 2012 deposition of Vivian Kargbo ("Kargbo Tr.").

19. Attached hereto as Exhibit 15 are true and correct copies of the relevant confidential excerpts from the December 17, 2012 deposition of Vivian Kargbo, which have been filed under seal.

20. Attached hereto as Exhibit 16 is a true and correct copy of the FBI rapsheet of Vivian Kargbo, Exhibit 3 to the deposition of Vivian Kargbo, documents bates stamped USA43507-08, which has been filed under seal.

21. Attached hereto as Exhibit 17 is a true and correct copy of Vivian Kargbo's criminal history, Exhibit 6 to the deposition of Vivian Kargbo, documents bates stamped P000357-70, which has been filed under seal.

22. Attached hereto as Exhibit 18 is a true and correct copy of Vivian Kargbo's 30-day letter, Exhibit 2 to the deposition of Vivian Kargbo, documents bates stamped USA43509.

23. Attached hereto as Exhibit 19 is a true and correct copy of Vivian Kargbo's fingerprint sheet, Exhibit 4 to the deposition of Vivian Kargbo, document bates stamped USA43510.

24. Attached hereto as Exhibit 20 are true and correct copies of the relevant excerpts from the transcript of the February 12, 2013 deposition of Evelyn Houser ("Houser Tr.").

25. Attached hereto as Exhibit 21 is a true and correct copy of the FBI rapsheet of Evelyn Houser, Exhibit F to the deposition of Evelyn Houser, documents bates stamped USA5641-3, which has been filed under seal.

26. Attached hereto as Exhibit 22 is a true and correct copy of the Second Amended Complaint, dated September 21, 2012.

27. Attached hereto as Exhibit 23 is a true and correct copy of the Census applicant data of Evelyn Houser, Exhibit B to the deposition of Evelyn Houser, documents bates stamped USA3877-95.

28. Attached hereto as Exhibit 24 is a true and correct copy of Evelyn Houser's 30-day letter, Exhibit C to the deposition of Evelyn Houser, documents bates stamped USA43501.

29. Attached hereto as Exhibit 25 is a true and correct copy of Evelyn Houser's fingerprint card, Exhibit D to the deposition of Evelyn Houser, documents bates stamped USA43502.

30. Attached hereto as Exhibit 26 is a true and correct copy of a letter rejecting Evelyn Houser as an applicant, dated May 21, 2009, Exhibit E to the deposition of Evelyn Houser, documents bates stamped USA43503.

31. Attached hereto as Exhibit 27 are true and correct copies of the relevant excerpts from the transcript of the December 10, 2012 deposition of Anthony Gonzalez (“Gonzalez Tr.”).

32. Attached hereto as Exhibit 28 is a true and correct copy of the FBI rapsheet of Anthony Gonzalez, Exhibit 4 to the deposition of Anthony Gonzalez, documents bates stamped USA5621-27, which has been filed under seal.

33. Attached hereto as Exhibit 29 is a true and correct copy of a 30-day letter dated March 11, 2010, Exhibit 2 to the deposition of Anthony Gonzalez, document bates stamped USA43482.

34. Attached hereto as Exhibit 30 is a true and correct copy of a letter from Anthony Gonzalez to Census, dated March 15, 2010, Exhibit 3 to the deposition of Anthony Gonzalez, documents bates stamped USA43483-95.

35. Attached hereto as Exhibit 31 are true and correct copies of the relevant excerpts from the transcript of the November 16, 2012 deposition of Ignacio Riesco (“Riesco Tr.”).

36. Attached hereto as Exhibit 32 is a true and correct copy of the criminal records of Ignacio Riesco, Exhibit D to the deposition of Ignacio Riesco, document bates stamped USA43395, which has been filed under seal.

37. Attached hereto as Exhibit 33 is a true and correct copy of the FBI rapsheet of Ignacio Riesco, Exhibit B to the deposition to the deposition of Ignacio Riesco, documents bates stamped USA5644-46, which has been filed under seal.

38. Attached hereto as Exhibit 34 is a true and correct copy of the Census employment application of Ignacio Riesco, Exhibit A to the deposition of Ignacio Riesco, documents bates stamped USA3822-3.

39. Attached hereto as Exhibit 35 is a true and correct copy of Ignacio Riesco's 30-day letter, Exhibit C to the deposition of Ignacio Riesco, document bates stamped USA43397.

40. Attached hereto as Exhibit 36 are true and correct copies of the relevant excerpts from the transcript of the February 25, 2013 deposition of Felicia Rickett-Samuels ("Rickett-Samuels Tr.").

41. Attached hereto as Exhibit 37 is a true and correct copy of Felicia Rickett-Samuels's FBI rapsheet, Exhibit H to the deposition of Felicia Rickett-Samuels, documents bates stamped USA44243-43, which has been filed under seal.

42. Attached hereto as Exhibit 38 is a true and correct copy of a letter from Felicia Rickett-Samuels to Census, dated March 13, 2009, Exhibit G to the deposition of Felicia Rickett-Samuels, documents bates stamped USA44243-46.

43. Attached hereto as Exhibit 39 is a true and correct copy of the Census applicant data of Felicia Rickett-Samuels, Exhibit D to the deposition of Felicia Rickett-Samuels, documents bates stamped USA44222-30.

44. Attached hereto as Exhibit 40 is a true and correct copy of a 30-day letter dated March 6, 2009, Exhibit E to the deposition of Felicia Rickett-Samuels, document bates stamped USA44247.

45. Attached hereto as Exhibit 41 are true and correct copies of the relevant excerpts from the transcript of the January 14, 2013 deposition of Chynell Scott ("Scott Tr.").

46. Attached hereto as Exhibit 42 is a true and correct copy of the criminal record of Chynell Scott, Exhibit D to the deposition of Chynell Scott, documents bates stamped USA43459-62, which has been filed under seal.

47. Attached hereto as Exhibit 43 is a true and correct copy of Chynell Scott's FBI rap sheet, Exhibit F to the deposition of Chynell Scott, documents bates stamped USA43456-57, which has been filed under seal.

48. Attached hereto as Exhibit 44 is a true and correct copy of Chynell Scott's 30-day letter, Exhibit C to the deposition of Chynell Scott, document bates stamped USA43458.

49. Attached hereto as Exhibit 45 is a true and correct copy of Census: About What We Do, available at <http://www.census.gov/aboutus/>, last accessed on June 24, 2013.

50. Attached hereto as Exhibit 46 is a true and correct copy of What is the Census?, available on the internet at <http://www.census.gov/2010census/about/>, last accessed on June 24, 2013.

51. Attached hereto as Exhibit 47 is a true and correct copy of the transcript of the December 21, 2012 deposition of Thomas Mesenbourg ("Mesenbourg Tr.").

52. Attached hereto as Exhibit 48 is a true and correct copy of the transcript of the March 19, 2013 deposition of Arnold Jackson ("Jackson Tr.").

53. Attached hereto as Exhibit 49 is a true and correct copy of 2010 Census: Operations schedule, Exhibit 2 to the deposition of Viola Lewis Willis, documents bates stamped USA42877-8.

54. Attached hereto as Exhibit 50 is a true and correct copy of Management Challenges of the 2010 U.S. Census, Exhibit 2 to the Arnold Jackson deposition.

55. Attached hereto as Exhibit 51 is a true and correct copy of the transcript of the March 26, 2013 deposition of Marilia Matos (“Matos Tr.”).

56. Attached hereto as Exhibit 52 is a true and correct copy of the Prepared Statement of Robert M. Groves, dated October 7, 2009, available at <http://www.census.gov/newsroom/releases/pdf/GrovesCensusSenateTestimony10-7.pdf>, last accessed on June 27, 2013.

57. Attached hereto as Exhibit 53 is a true and correct copy of the Prepared Statement of Robert M. Groves, dated February 23, 2010, Exhibit 15 to the deposition of Robert M Groves, documents bates stamped USA4694-701.

58. Attached hereto as Exhibit 54 is a true and correct copy of the Declaration of Viola Lewis Willis, dated May 14, 2012.

59. Attached hereto as Exhibit 55 is a true and correct copy of the Declaration of Sandra Patterson, dated June 28, 2011.

60. Attached hereto as Exhibit 56 is a true and correct copy of 2010 Census Operation Recruiting Plan, documents bates stamped USA45154-69.

61. Attached hereto as Exhibit 57 is a true and correct copy of the transcript of the March 28, 2013 deposition of Brian Monaghan (“Monaghan Tr.”).

62. Attached hereto as Exhibit 58 is a true and correct copy of the transcript of the November 30, 2012 deposition of Viola Lewis Willis (“Willis Tr.”).

63. Attached hereto as Exhibit 59 is a true and correct copy of the July 12, 2012 memorandum titled 2010 Census Field Office Administration and Payroll Assessment, available at http://www.census.gov/2010census/pdf/2010_Census_Field_Office_Admin_Payroll_Assessment.pdf, last accessed on June 28, 2013.

64. Attached hereto as Exhibit 60 is a true and correct copy of the relevant excerpts of the Regional Census Center Administrative Manual, Exhibit 22 to the deposition of Viola Lewis Willis, documents bates stamped USA1963-2025.

65. Attached hereto as Exhibit 61 is a true and correct copy of the November 2, 2011 memorandum titled 2010 Census Recruiting and Hiring Assessment Report, Exhibit 7 to the deposition of Arnold Jackson.

66. Attached hereto as Exhibit 62 is a true and correct copy of the relevant excerpts of the Administrative Manual: Local Census Office, Exhibit 3 to the deposition of Viola Lewis Willis, documents bates stamped USA1623-62.

67. Attached hereto as Exhibit 63 is a true and correct copy of the transcript of the April 2, 2013 deposition of James Christy ("Christy Tr").

68. Attached hereto as Exhibit 64 is a true and correct copy of the transcript of the May 30, 2013 deposition of Janet Cummings ("Cummings II Tr.").

69. Attached hereto as Exhibit 65 is a true and correct copy of Text Version of the Selecting Your Staff Computer-Based Training (CBT), Exhibit 17 to the deposition of James Christy, documents bates stamped USA1570-1622.

70. Attached hereto as Exhibit 66 is a true and correct copy of a Business Case Analysis by Lockheed Martin regarding the CHEC Branch, documents bates stamped USA60665-751.

71. Attached hereto as Exhibit 67 is a true and correct copy of Welcome to the CHEC Office, Exhibit 8 to the deposition of Philip Bettwy, documents bates stamped USA12158-73.

72. Attached hereto as Exhibit 68 is a true and correct copy of 2010 Decennial Name Check Processing flowchart, Exhibit 5 to the deposition of Thomas Mesenbourg, document bates stamped USA43541.

73. Attached hereto as Exhibit 69 is a true and correct copy of the transcript of the May 6, 2010 deposition of Janet Cummings (“Cummings I Tr.”).

74. Attached hereto as Exhibit 70 is a true and correct copy of sample 30-day letters, Exhibit 12 to the deposition of Sandra Patterson, documents bates stamped USA43538-41.

75. Attached hereto as Exhibit 71 is a true and correct copy of the BC-170D Census application form for employment, Exhibit 13 to the Thomas Mesenbourg deposition, documents bates stamped USA32563-7.

76. Attached hereto as Exhibit 72 is a true and correct copy of the transcript of the March 23, 2013 deposition of Robert M. Groves (“Groves Tr.”).

77. Attached hereto as Exhibit 73 is a true and correct copy of the June 17, 2009 memorandum titled Recommended Decision to Continue Fingerprint Check on Temporary Employees, documents bates stamped USA023607-54.

78. Attached hereto as Exhibit 74 is a true and correct copy of the relevant excerpts of Address Canvassing: Lister Manual, documents bates stamped USA52648-3092.

79. Attached hereto as Exhibit 75 is a true and correct copy of 2010 Census Nonresponse Followup (NRFU) Enumerator Manual, Exhibit 23 to the deposition of James Christy, documents bates stamped USA44070-221.

80. Attached hereto as Exhibit 76 is a true and correct copy of Census 2010: Talking Points, Exhibit 21 to the deposition of Robert M. Groves, document bates stamped USA38984.

81. Attached hereto as Exhibit 77 is a true and correct copy of the transcript of the March 27, 2013 deposition of Michael Hamilton (“Hamilton Tr.”).

82. Attached hereto as Exhibit 78 is a true and correct copy of the transcript of the May 28, 2013 deposition of Julie Brown (“Brown Tr.”).

83. Attached hereto as Exhibit 79 is a true and correct copy of the transcript of the January 25, 2013 deposition of Sandra Patterson (“Patterson II Tr.”).

84. Attached hereto as Exhibit 80 is a true and correct copy of the transcript of the May 6, 2010 deposition of Sandra Patterson (“Patterson I Tr.”).

85. Attached hereto as Exhibit 81 is a true and correct copy of the transcript of the May 8, 2013 deposition of Philip Bettwy (“Bettwy Tr.”).

86. Attached hereto as Exhibit 82 is a true and correct copy of an email dated April 22, 2010, Exhibit 26 to the deposition of Sandra Patterson, documents bates stamped USA032635-6.

87. Attached hereto as Exhibit 83 is a true and correct copy of an email dated April 22, 2009, Exhibit 11 to the deposition of Julie Brown, documents bates stamped USA043153-6.

88. Attached hereto as Exhibit 84 is a true and correct copy of an email dated March 22, 2010, Exhibit 11 to the deposition of Philip Bettwy, documents bates stamped USA31333-5.

89. Attached hereto as Exhibit 85 is a true and correct copy of an email dated March 23, 2009, Exhibit 11 to the deposition of Michael Hamilton, documents bates stamped USA20971-2.

90. Attached hereto as Exhibit 86 is a true and correct copy of Form Letters, an excerpt from the “DANC Initial Assessments” dated March 1, 2001, Exhibit 11 to the deposition of Sandra Patterson, document bates stamped USA12736.

91. Attached hereto as Exhibit 87 is a true and correct copy of a document entitled “DANC”, Exhibit 4 to the deposition of Philip Bettwy, documents bates stamped USA12552-68.

92. Attached hereto as Exhibit 88 is a true and correct copy of an email and attachment, a CHEC Office organizational chart, from Michael Hamilton dated February 26, 2009, Exhibit 2 to the deposition of Michael Hamilton, documents bates stamped USA20775-6.

93. Attached hereto as Exhibit 89 is a true and correct copy of an email dated June 12, 2009, documents bates stamped USA23359-61.

94. Attached hereto as Exhibit 90 is a true and correct copy of an email dated December 8, 2009, Exhibit 15 to the deposition of Sandra Patterson, documents bates stamped USA28732-35.

95. Attached hereto as Exhibit 91 is a true and correct copy of an email dated March 27, 2009, documents bates stamped USA21072-3.

96. Attached hereto as Exhibit 92 is a true and correct copy of Adjudication Criteria (updated January 6, 2010), Exhibit 19 to the deposition of Thomas Mesenbourg, documents bates stamped USA9256A-9A.

97. Attached hereto as Exhibit 93 is a true and correct copy of a letter from Stuart Ishimaru of the Equal Employment Opportunity Commission dated July 10, 2009, Exhibit 6 to the deposition of Thomas Mesenbourg, documents bates stamped USA23877-85.

98. Attached hereto as Exhibit 94 is a true and correct copy of a letter dated October 6, 2009, Exhibit 10 to the deposition of Marilia Matos, documents bates stamped USA3792-4.

99. Attached hereto as Exhibit 95 is a true and correct copy of Adjudication Standards Version 1, Exhibit 16 to the deposition of Thomas Mesenbourg, documents bates stamped USA1545-9.

100. Attached hereto as Exhibit 96 is a true and correct copy of Adjudication Standards Version 2, Exhibit 17 to the deposition of Thomas Mesenbourg, documents bates stamped USA1550-5.

101. Attached hereto as Exhibit 97 is a true and correct copy of Adjudication Standards Version 3, Exhibit 18 to the deposition of Thomas Mesenbourg, documents bates stamped USA12151-7.

102. Attached hereto as Exhibit 98 is a true and correct copy of Adjudication Standards Version 5, Exhibit 21 to the deposition of Thomas Mesenbourg, documents bates stamped USA43449-52.

103. Attached hereto as Exhibit 99 is a true and correct copy of Adjudication Standards Version 6, Exhibit 22 to the deposition of Thomas Mesenbourg, documents bates stamped USA32023-6.

104. Attached hereto as Exhibit 100 is a true and correct copy of an email dated March 26, 2010, Exhibit 10 to the deposition Thomas Mesenbourg, documents bates stamped USA31594-7.

105. Attached hereto as Exhibit 101 is a true and correct copy of a letter from U.S. Assistant Attorney General Sheila Anthony regarding the use of name checks for background screening, dated May 1, 1994, documents bates stamped USA4432-3.

106. Attached hereto as Exhibit 102 is a true and correct copy of a letter from Michael Kirkpatrick of the F.B.I. regarding the use of name checks for background screening, dated January 14, 2003, documents bates stamped USA4437-8.

107. Attached hereto as Exhibit 103 is a true and correct copy of an undated letter from John Sullivan regarding the use of name checks for background screening, documents bates stamped USA4434-6.

108. Attached hereto as Exhibit 104 is a true and correct copy of a letter from Kerry McTigue of the U.S. Office of Personnel Management regarding the use of name checks for background screening, dated August 27, 2007, documents bates stamped USA4429-31.

109. Attached hereto as Exhibit 105 is a true and correct copy of the Namecheck Manual & User Guide, Exhibit 3 to the deposition of Julie Brown, documents bates stamped USA5268-76.

110. Attached hereto as Exhibit 106 is a true and correct copy of the Name Check Adjudication Criteria Stage 1 Processing, documents bates stamped USA5278-85.

Dated: June 28, 2013
New York, New York

Respectfully submitted,

OUTTEN & GOLDEN LLP

By:

/s/ Ossai Miazad

OUTTEN & GOLDEN LLP

Ossai Miazad
3 Park Avenue, 29th Floor
New York, NY 10016
Telephone: 212-245-1000